

THE CHURCH OF ENGLAND IN UPPER CANADA, 1791-1841

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THE CHURCH OF ENGLAND IN UPPER
CANADA, 1791-1841

By A. H. Young



OFFPRINT FROM QUEEN'S QUARTERLY

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By A. H. YOUNG

IN discussions of the University Question and of the Clergy Reserves, the Church of England in Upper Canada between the years 1791 and 1841 is commonly represented as little more than a nefarious political instrument. In the hands of a certain diabolical person named John Strachan it was, moreover, being unscrupulously manipulated, it is declared, for the purpose of securing privileges subversive of the civil and the religious rights of the inhabitants of the province who happened to belong to other communions. Such is the travesty of history presented to their readers by writers who accept as the truth, the whole truth, and nothing but the truth the utterances of political partisans like Egerton Ryerson and William Lyon Mackenzie without comparing them with the testimony of other witnesses who are at least as competent as they.

Whatever was the case before Strachan published his funeral sermon on Dr. Jacob Mountain, the first Bishop of Quebec, and the earlier edition of his *Ecclesiastical Chart*, concerning which there is much to be said, it is absolutely certain that afterwards he was kept very persistently in the background by both the second Bishop, Stewart, and the Lieutenant-Governor, Sir John Colborne, not to forget the chief ruler of the Church in Upper Canada, the S. P. G. (Society for the Propagation of the Gospel in Foreign Parts). Sir John, as his correspondence proves, expressed to Stewart his satisfaction that Strachan, then newly created Archdeacon of York, had not been allowed to go to England in 1828 to appear before the parliamentary committee which in that year was inquiring into the civil government of the Canadas. He

likewise testified to his displeasure at the adversaries of the Church speaking and writing as though the terms "Church of England" and "John Strachan" were convertible. They were very far from being so before 1839, when Strachan at last became bishop and when only he obtained the chief, if not the sole, right to represent the Church and to tender advice on the formulation of its policy.

After all, the object aimed at by the four bishops who preceded Strachan between 1791 and 1839 (Inglis, Jacob Mountain, Stewart, and George J. Mountain) had been the full acceptance of the provisions and the implications of the Canada (or Constitutional) Act of 1791 as they and their superiors, the Archbishop of Canterbury, the Imperial Government's Ecclesiastical Board, and the Venerable Society, understood them. Into that Act, notwithstanding the Right Honourable Henry Dundas's reported utterances regarding the rights of the Established Church of Scotland, had been gathered up, to all appearance, the whole policy regarding the Church of England which had been evolving from precedent to precedent in the Colonial Office for nearly two centuries.

The evolution of a definite policy for the establishment of the Church of England in the colonies had been begun by the authorities in England as early as the time when Archbishop Laud was Bishop of London. Of the working out of this policy and its extension, a fairly good idea can be obtained from books such as Professor Arthur Lyon Cross's *The Anglican Episcopate and the American Colonies*, Jos. A. Waddell's *Annals of Augusta County, Virginia*, and the *Dinwiddie Papers*, published some sixty years ago by the Virginia Historical Society. One point of special importance was the position accorded to the Bishop of London in the government of the Church in the colonies, plantations, and factories abroad.

When the union of the parliaments of England and Scotland was being negotiated in the year 1706, the continu-

ance to the Church of England of its status as the Established Church was carefully provided for. In the Act of Union, which came into operation in the following year, there was, accordingly, incorporated a section guaranteeing the rights and the status of the Church in the colonies. On the other hand, acknowledgment was made in the Act that the Church of Scotland was to continue to be the Established Church of the northern kingdom, which, by the way, had practically no colonies. By implication, if not by direct statement, therefore, the latter Church was to be established in Scotland only, and not in the colonies.

In accordance with this general policy of the English Crown and with the declaration of the Act of Union, the Church of England was established in Nova Scotia by the local legislature in the year 1758, as it had been established by similar bodies in other colonies at dates still earlier. In accordance also with the practice followed in the Island colonies and in several of those on the continent of North America—the Carolinas, Virginia, Maryland, and part of New York, for example—allotment of glebes, etc., was made in Nova Scotia, and salaries for incumbents were provided by the local government. The same kind of action was taken by the legislature of New Brunswick after its creation by Royal Order in Council in the year 1784.

In default of the passing of the necessary legislation by the Provincial Legislatures of Lower and Upper Canada, the Church was never established in either province. It was endowed, which is a very different thing, and by the one authority who had the right to bestow the endowment, the British Parliament, representing the British taxpayer, whose money had paid for every acre of land purchased from the Indians in order to provide homesteads for the settlers. This landed endowment, called the Clergy Reserves and comprising one-seventh of the total acreage of every township, was provided

for by the Canada Act. Over the Reserves was waged from 1819 to 1854 a bitter warfare by the Church of Scotland, in the first place, by the non-established Presbyterians and the various branches of Methodism, in the second, and in the third by the Baptists and the Congregationalists, who did not desire State support for themselves. Even the Roman Catholics lent a hand, which was not unnatural, considering the eagerness displayed at times on the part of the "Protestants" to share in the revenues of the confiscated Jesuits' Estates.

By the Confiscating Act of 1854, usually called the Secularization of the Clergy Reserves, the Church, with the consent of the Imperial authorities, was in large part disendowed. It was not disestablished by that Act, for it is a manifest absurdity to assert, as has been repeatedly done, that what was never established was disestablished. The Crown retained for three years longer the right to appoint bishops, which it had exercised from 1787 onward, as it has done, and still does, in England. Only in January, 1867, did the last vestige of this right disappear with the consecration of a Canadian bishop (Bethune) in Canada without the authority of a Royal Mandamus, which had theretofore been requisite, and without recourse to Canterbury, following the precedent set in 1861 at the consecration of Dr. Lewis as the first Bishop of Ontario, both prelates having been elected by clerical and lay members of their synods.

To understand fully the Canada, or Constitutional, Act so called, the thirty-fifth section of which recites the pertinent clauses of the Royal Instructions to certain governors as also those of the Quebec Act of 1774, it is necessary to remember that it was the final product of the long process of evolution just indicated. It has further to be borne in mind that the Colonial Office had a policy regarding the Church's important instrument, education, to mention nothing else, which, in spite of occasional blunders and not infrequent dilatoriness, it was

endeavouring to apply with consistency and with even-handed justice in the various parts of the Empire.

In accordance with this policy had been founded Church universities with more or less of State aid, King's College, Windsor, and King's College, Fredericton, now the University of New Brunswick. It was but logical, therefore, that King's College, York, now the University of Toronto, should have received, in 1827, a Royal charter as a Church institution together with an endowment of Crown lands.

In 1763 General Murray had been told in so many words that the Roman Catholic Church was in no wise to be regarded as the Established Church of Canada, for that was a privilege which could be accorded to the Church of England alone. The latter, it had been further intimated, His Majesty intended to establish,¹ but, for various reasons, of which Sir Guy Carleton, Lord Dorchester,² was probably the most potent, practically no attempt had been made before 1791 to fulfil this intention, notwithstanding the tenor of the Royal Instructions issued to Sir Guy and to other governors-in-chief.

The Instructions, which had been modelled on those in use in other colonies for generations past, showed that the British Government had continuously regarded the Church as established. The Quebec Act of 1774 afforded evidence that the idea of endowing the Church in Canada, as it had been endowed in the old English colonies, insular and continental, as well as in Nova Scotia, had not been abandoned. On the other hand, it restored to the Roman Catholic clergy "their accustomed Dues and Rights," which, pending the announcement of the King's pleasure, had remained in abeyance since the signing of the Capitulation of Montreal in September,

¹See sections 32 and 33 of Murray's Instruction in Short and Doughty's *Documents relating to the Constitutional History of Canada, 1759-1791*, p. 191.

²On Lord Dorchester and the Church of England see *Report of the Canadian Historical Association*, 1926, pp. 60-65.

1760, but "with respect to such persons only as shall profess the said Religion."

The wording of the paragraph immediately following this is highly significant: "Provided nevertheless, That it shall be lawful for His Majesty, His Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights, for the encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as he or they shall, from Time to Time, think necessary and expedient." In the language of 1774 "Protestant Religion" and "Protestant Clergy" had only one meaning, notwithstanding the establishment of Independency by law in New England and the assertion of religious and civil equality by Independent and Presbyterian pastors.³ They meant the Religion and the Clergy of the Church of England, and none other.

Inasmuch as this provision of the Quebec Act relating to "Dues and Rights," "Protestant Religion," "and Protestant Clergy," together with the Royal Instructions to Governors, forms the basis, so to speak, of the ecclesiastical sections of the Canada, or Constitutional, Act of 1791, it is important to remember the terms of those Instructions, which had been evolving and expanding since the earlier years of the seventeenth century. The form which they had assumed in 1787, on the appointment of Dr. Charles Inglis to be the first Bishop of Nova Scotia, and, incidentally the first Colonial Bishop of the Anglican Communion within the British Empire, is of immediate importance in connection with the present inquiry, for they were the latest to be issued to Lord Dorchester prior to the passing of the Canada, or Constitutional, Act.

The appointment of bishops for the colonies had been contemplated in Bishop Laud's time, and it had been on the

³See *The New England Clergy and the American Revolution*, by Alice M. Baldwin.

point of accomplishment immediately before the death of Queen Anne, who ever manifested a deep personal interest in the matter and in everything else pertaining to the general well-being of the Church of England. It had been seriously considered again in 1749, on the occasion of the application of the Moravian Brethren for the like privilege in America, and in 1763-1766, when the Roman Catholics in Canada were craving leave to fill the vacancy in the See of Quebec caused by the death, in 1760, of Bishop Pontbriand. In deference to the clamour raised by those men in the colonies (and at home) who asserted that they saw in the proposals an insidious plot to curtail the civil and the religious liberties of all who were outside the communion of the Church of England, it had been repeatedly neglected.

In 1784 the Government of Great Britain, through fear of offending the young United States, had hesitated to introduce legislation to make possible the consecration of Dr. Seabury as Bishop of Connecticut. That difficulty having been overcome, Parliament had at last authorized the Archbishop of Canterbury, in 1786, to consecrate bishops for service abroad—meaning the United States. Early in 1787 His Grace had made use of the permission thus given and had consecrated Bishops White and Provoost of Pennsylvania and New York. Almost of necessity, therefore, a bishop for Nova Scotia, for whom petition had been made almost contemporaneously, had to be conceded.

The Royal Mandamus for the consecration of Dr. Inglis was issued in much the same form as if he had been appointed for service in England, Ireland, or Wales. The Royal Letters Patent defined his powers and his privileges, but they expressly reserved to the Governor, the Lieutenant-Governor, or the person administering the Government for the time being, all those episcopal prerogatives which for a century and a half, or thereabouts, had inhered in the governors of colonies—granting

letters of probate and of administration, the issuance of marriage licenses, the presentation to, and the removal from, livings.

Dr. Inglis was paid in part by the British Treasury and in part by the S.P.G. from the proceeds of an old endowment begun about a hundred and seventy years previously by a bequest of Archbishop Tenison for the payment of bishops in America. Till new arrangements should be made, the Bishop was to administer, in addition to his proper See, New Brunswick, Canada, Newfoundland, and, presently, Bermuda. Although he appears to have been addressed by courtesy as "My Lord Bishop" he was not legally entitled to be so styled till 1807, when he acquired the right by virtue of being summoned to the Council of Nova Scotia.

The presence of a bishop in the British American provinces rendered necessary the revision of the Instructions to the governor-in-chief. In their amended form of August 25th, 1787, they show the Bishop of London to have ceased to hold the right to exercise jurisdiction in British North America, which, although His Lordship's powers were now vested in the Bishop of Nova Scotia, still remained a part of the Ecclesiastical Province of Canterbury.

The Instructions ordained that "Fit Support and Countenance" were to be given to the Bishop "in the exercise of his Jurisdiction Spiritual and Ecclesiastical according to the Laws of this Realm, and the Laws of the Provinces under your Government." To the Bishop, or his Commissary, was reserved the right of instituting to benefices, although that of presentation and deprivation was continued to His Excellency together with the functions of the surrogate and the issuance of marriage licenses. His Excellency was still under obligation to see "that God Almighty be devoutly and duly served throughout" his Government; "that the Lord's Day be duly kept, and that the Services and Prayers appointed by, and

according to the Book of Common Prayer, be publicly and solemnly read and performed throughout the year." In addition to taking care that "the Churches which are or may be hereafter erected in Our said Provinces or Island under your Government, be well and orderly kept," there was an injunction "that besides a competent Maintenance to be assigned to the Minister of each Parish Church, a Convenient House be built at the Common Charge for each Minister." Recommendations were to be made "to the Legislative Council and General Assemblies of the Provinces under Your Government, to settle the Limits of Parishes, in such a manner as shall be deemed most convenient for accomplishing this good work." Every "Minister" (in their protestantism they then avoided the use of the word Priest) was to be constituted a member of the Vestry in his Parish and "no Vestry was to be held without him"—"except in Case of Sickness, or after Notice given of a Vestry he omit to come."

With all this, Liberty of Conscience was to be permitted "and the free Exercise of all such Modes of Religious Worship, as are not prohibited by Law, to all Persons who inhabit and frequent the Provinces under your Government, provided they be contented with a quiet and peaceable enjoyment of the same, without giving Offence or Scandal to Government." This, doubtless, was intended to operate in favour of the Roman Catholics, who, notwithstanding the influx of Loyalists of various denominations, still formed the majority of the population of Canada.

To Legislative Councils or to Assemblies it was to be recommended "to make due Provision for the erecting and Maintaining of Schools, where youth may be educated in Competent Learning, and in Knowledge of the Principles of the Christian Religion." Schoolmasters were not to be allowed to keep school without first obtaining the Governor's license. "In all Cases where the School has been founded, instituted or

appointed for the Education of Members of the Church of England, you are not to grant such Licenses except to Persons, who shall first have obtained from the Bishop of Nova Scotia, or one of his Commissaries, a Certificate of their being properly qualified for that Purpose." This differentiation of schools also was made in all probability because of Roman Catholic preponderance in the population.

Finally, His Excellency was required to take measures for the suppression of all manner of vice and to see to it that "the Constables and Church Wardens of the several Parishes do make presentment upon Oath, of any of the Vices before mentioned, to the Justices of the Peace in their Sessions or to any of the other Temporal Courts." He was to have effectual laws made for the "Restraint and Punishment" of the vices; and he was "to appoint no Person to be a Justice of the Peace, or to any Public Trust or Employment, whose notorious ill Life or Conversation may occasion Scandal." The mention of "Church Wardens," who were and are officials unknown to Presbyterian polity and organization, seems to show clearly that the British Government had contemplated the erection of the parishes into municipal units, a policy which, in spite of the seeming attempt at it contained in the legislature's Act of 1793, was never put into effect in Upper Canada, as it had been in the oldest English colonies.

To these new Instructions as a whole Lord Dorchester paid no more heed than he had paid to those which had preceded them at intervals after his first taking office in Canada in 1766, except that, in and after 1787-1788, he did set aside sites for churches and schools, together with glebes for parsons and schoolmasters in all the towns and townships as they were surveyed. So little encouragement in the matter of either schools or church affairs did His Excellency give to Bishop Inglis on the occasion of his only visitation of his Canadian

clergy, in August, 1789, that His Lordship⁴ left Quebec with the feeling that it was useless for him to return. He accordingly had little influence on the course of events in Upper Canada, which, apparently, he never saw.

The one thing of moment done at this juncture for Upper Canada was the appointment by the bishop of the Revd. John Stuart, United Empire Loyalist, of Kingston, to be his Commissary or Official, an office which he held also under the elder Mountain to the day of his death, August 15th, 1811, winning in the discharge of the duties the title of "Father of the Church in Upper Canada," and "Spiritual Father" of Bishop Strachan. Acting supposedly under instructions from his bishop, Stuart applied to the Executive Council of Upper Canada for recognition of his right, as Official, to issue marriage licenses; but the prayer of this petition the Honourable Council declined to grant after reference to the governor's Instructions and to the bishop's patent.

By this time the Canada, or Constitutional, Act of 1791 had been brought into operation. Colonel Simcoe's sensible, statesmanlike plea for the appointment of a bishop for Upper Canada apart from Lower Canada had been disregarded. In 1793 Dr. Jacob Mountain, a friend and sometime secretary to Mr. Pitt, received from the Crown the appointment to the See of Quebec with jurisdiction over both the Canadas, and, to the detriment of Upper Canada, he chose Quebec to be his See city and place of residence. On presenting his patent to Lord Dorchester, Mountain found, to his chagrin, that the Royal Mandamus ordering His Excellency to summon him to the Councils of the provinces, under sections 6 and 7 of the Constitutional Act, had not been enclosed with his other papers. This untoward failure to adhere to the letter of the promise which had undoubtedly been made to him was rectified after much correspondence; but it made a bad beginning, neverthe-

⁴See copy of his *Journal* in the Archives at Ottawa.

less, for the relations between bishop and governor-in-chief, which, apparently, worked out to the further disadvantage of the Church, for, shortly before his final return to England in 1796, Dorchester intimated to the Colonial Secretary that the bishop had gone into opposition.

For thirty-two years, unfortunately, Jacob Mountain was Bishop of Quebec, albeit he wished on several occasions to tender his resignation and to obtain some sort of preferment in England. The ground of his dissatisfaction is to be found chiefly in the fact that the Home Government would not take steps to have the Church established, would not erect Rectories, would not transfer to him the right of presentation to and removal from livings, and would not vest in him the power to grant letters testamentary, to issue marriage licenses, and to try cases of breach of ecclesiastical discipline.

For the University of Upper Canada, with the establishment of which Simcoe, considering the tenor of the Royal Instructions, had naturally charged him, he accomplished nothing. Indeed, he seems to have attempted nothing, preferring to concentrate his efforts upon bringing into existence, in 1801, the Royal Institution for the Advancement of Learning. He intended, apparently, to extend the Institution's operation to Upper Canada, although the Act creating it had been passed by the Legislature of Lower Canada only. By the Act he seems to have widened the cleavage between Roman Catholics and "Protestants," which Dorchester had sought to avoid in 1789 by means of his proposed secular university,—a cleavage which had been definitely made by Mountain's general behaviour and by his being summoned to the Executive and Legislative Councils, when that privilege was not accorded at the same time to the Roman Catholic bishop.

Mountain's attitude to the Clergy Reserves was summed up in the words: "Government may provide for the Church

of Scotland, if it will; but it shall not be done at the expense of the Church of England." In that attitude he had the backing of the S.P.G., which, as already noted, was the chief ruler of the Church in Canada. The Government to which Mountain referred in that connection was, of course, the Home Government, for the Imperial Parliament alone at this period had the power to authorize the alienation of lands or the allocation of moneys for such purposes. Approval from Home had likewise to be obtained for legislation in regard to religious matters introduced into and passed by Colonial Legislatures.⁵

There is abundance of evidence to show that Mountain was more concerned with questions of precedence in Council, display at levees, personal and family aggrandizement, and political intrigues than he was with the advancement of the spiritual interests of the backwoods settlers committed to his care. Over against Sir John Sherbrooke's remark that he "inclined more to politics than to theology," is to be set, however, his kindness to his clergy, to which the letters of several of them bear testimony.

Fancying himself in the rôle of a diplomat and making accordingly unduly long sojourns in England, Mountain was not aware, till he received the news from Canada, that, before his very eyes as it were, the Roman Catholic hierarchy of Canada had been able in 1819 to obtain very important concessions from the Imperial Government, while he, with all his endeavours, had made no progress whatsoever toward the attainment of his own objective. To render that situation still more galling for him, he received from the Colonial Office the same intimation that he had received upon a former occasion—that he had better return to Canada at once in order to give to his diocese that oversight of which it must surely stand very much in need.

Three years earlier Strachan, then recently appointed an

⁵See *Sections 41 and 42 of the Canada, or Constitutional, Act.*

honorary member of the Executive Council of Upper Canada, had managed to convince Mountain that it would be vain to hope to induce the Provincial House of Assembly to consent to the establishment of Rectories unless a specific declaration was made that no right to the collection of tithes or other like civil implication was to be associated with them. Such a declaration was accordingly made. At a date earlier, Strachan had suggested that, in order to make up for the scarcity of clergy, schoolmasters should be allowed to read the Church service and approved sermons on Sundays in their school-houses, in places where there were no churches. For a number of years this most sensible suggestion was disregarded, being too great a novelty.

At the close of the War of 1812, Strachan had offered to educate without remuneration, as he was ever ready to do, promising young men for the ministry, because of the difficulty of tempting suitable ordained men to leave the Old Country and to accept the small stipends which the Government and the Venerable Society combined could afford to pay. Out of this generous offer grew a system of scholarships or bursaries, which for thirty or forty years enabled successive generations of young men to subsist till their course of training could be completed.

In 1813 the Imperial Government, which had set a precedent as early as 1785 in the case of John Stuart already mentioned, and, more recently, in the case of other clergymen, became responsible, jointly with the Society, for the payment of the salaries of all Anglican missionaries, the Society being the intermediary through whom the payments were made. The reason for the adoption of this policy, which continued in force down to 1833, or a little later, was the unproductiveness of the Clergy Reserves; but at no time does the ordinary clergyman appear to have benefited to the extent of more than £200 sterling per annum.

Slackness in the collection of rents by Sheriffs of Districts, to whom this business had been at first entrusted, was one cause of the unproductiveness of these reserved lands. Another was the reluctance of incoming settlers to lease or to purchase lands when they could obtain grants from government on payment of comparatively small fees. To conserve the clergy sevenths, on which in some instances squatters had cast longing eyes, Mountain caused a Clergy Corporation to be formed in each province, Strachan becoming chairman of the one in Upper Canada. Thus he attained an official standing in the scheme of things in spite of Mountain's successor, Stewart, and the co-worker of the latter, Sir John Colborne. Even so, he was of necessity subject to his bishop, especially when the latter became resident at York, as Stewart ultimately did.

The one outstanding benefit which Mountain had conferred upon the Church in the Canadas was the appointment of the Revd. the Hon. Charles James Stewart, to be Visiting Missionary for the diocese in the year 1819. This redounded to the advantage of Upper Canada in particular, for Dr. Stewart perceived that there the greatest need existed and that there lay the greatest hope for building up a strong "Protestant" Church. Through his family connections, his wide circle of friends, and his own great zeal and wisdom, he was able to secure large sums of money for the purpose of paying more missionaries and of building churches and parsonages. He was able also to induce no inconsiderable number of men to come out from the Old Country to minister among the new and the older settlers, both classes of whom he himself visited unweariedly on foot, on horseback, by wagon, or by boat, throughout the long space of seventeen years.

During ten of these years Stewart was himself Bishop of Quebec. Unlike his predecessor, whose dignity had been offended at even the thought of being requested to baptize,

marry, or bury members of common soldiers' families, Stewart gloried in the greater opportunities thus afforded him for prosecuting the great work to which he had first dedicated himself in 1807. On his promotion, he devoted much the greater portion of his time and strength to Upper Canada, even though he had there two Archdeacons, Strachan of York and George Okill Stuart of Kingston, both of whom had been nominated by him but appointed and paid by the Imperial Government. Permission for their appointment had been given only after the Colonial Office had made full enquiry into the institution and all the implications of the office, as already established in India.

There was in the province one travelling missionary or more. As to travelling missionaries, in which light all the clergy of Upper Canada always regarded themselves, in spite of Sir John Colborne's over-hasty strictures, a curious misapprehension has at times arisen. Sir John, who was too intimately acquainted with Bishop Stewart and with his work⁶ not to know that he already had such men working under him, has been made to appear as recommending that they be appointed for the first time. As a matter of fact, Sir John wanted to see them increased, as he plainly said, to two in every township for the purpose of better counteracting the influence of the Methodists.

By Methodists, including the late distinguished Chancellor Burwash, Sir John has been somewhat too severely criticized on account of his unwillingness at first to countenance the erection of the Upper Canada Academy into a university. Examination of the correspondence shows that Sir John's views on the subject were based upon the conviction that the cure for the evil of which the Methodists complained was not to multiply denominational universities but to take away from

⁶See *Papers and Records* of the Ontario Historical Society. Vol. XXV, pp. 438-449.

King's College its exclusively Anglican character so that members of all communions might attend it without doing violence to their consciences. In those views most men of the present day will concur, to the vindication of Sir John, even while they freely admit that the Academy, under the style of the University of Victoria College, amply justified its existence both before and after its federation with the University of Toronto.

The institution of Sir John's own founding, Upper Canada College, was also denominated an Anglican institution by the late Chancellor in his posthumous book on the University of Victoria College, although it has never been such at any period of its existence of a hundred years. It was founded on a comprehensive Christian basis, despite the fact that most of its early masters were (almost of necessity) Anglicans and some of them clergymen. Yet it never was Anglican in its government, for it was placed under the direction of the Council of King's College only after the passing of the amending Act of 1837, by which the Provincial Legislature made those very changes in the Royal Charter for which Sir John had contended in vain throughout the whole period of his tenure of the lieutenant-governorship, 1828-1836.

Now that the dust of the conflict has cleared away, it must be admitted by any impartial investigator that, under the leadership of the Ryersons, the Methodists executed in 1824-1828 a very clever tactical movement in order to avoid being taxed with subjection to American influence, which was one ground of objection Sir John and other men before and after his time had against them.⁷ The Methodists claimed that they had been born and bred such and that they were "also prior to the Church of England or of Scotland in respect to the period of their labours and actual existence in the Colony."

⁷The description of this movement as given by Egerton Ryerson can be found on pages 42-43 of the Report of the Dominion Archivist for the year 1899.

As a matter of fact, Bishop James Richardson, one of the signatories of one of the documents in which these claims were set out, had, like the Ryersons and many others, been born, baptized, and brought up in the Church of England, his father having been a subscriber to the building fund of the first St. George's Church, Kingston, and a churchwarden there four times between 1790 and 1796.⁸

In England, down to the date of John Wesley's death, the Methodists still regarded themselves as only a Society within the Church. In the United States, whence, as Egerton Ryerson stated, "the first Itinerant Ministers visited the province in about the year 1790 or 1791," as against Richardson's and Case's "priority of existence," the first Methodist bishops dated from 1784. In 1784, there were certainly Presbyterians, Anglicans, and Lutherans in what was to become Upper Canada, but just as certainly there seems not to have been any Methodist organization of even the most rudimentary kind. In 1791 there were already two Anglican missionaries, Stuart and Langhorn.

The Methodists played their political game skilfully; and they played it successfully. It may perhaps be a good thing that, after the Church of Scotland and the Methodists themselves had been permitted to have a share in it, the Legislature of United Canada was allowed by the Imperial Government to confiscate the endowment bestowed upon the Church of England. Yet the fact remains that what the two Mountains, Stewart, and Strachan had contended for, was nothing more and nothing less than what had been legally bestowed upon the Church by the only authority competent legally to bestow it—the Imperial Parliament. It would be interesting, on the other hand, to estimate the influence of Mr. James Stephen of the Colonial Office in producing the result desired by non-

⁸See *The Parish Register of Kingston, Upper Canada, 1785-1811*.

Anglicans, for his evidence before the Commons' Committee of 1828 was far from acceptable to Stewart.

In only two instances did the legislature of Upper Canada attempt, before passing out of existence in 1841, to use its power in the direction of even appearing to confer upon the Church the character of an Establishment. The first was in 1793, when it provided for the election at annual Town Meetings of municipal officers, one of whom was to be known as Town and Church Warden. The second was when, as a result of Simcoe's manœuvres, it vested in the clergy of the Church the sole right to solemnize marriages, ministers of other communions being placed under obligation to obtain licenses for that purpose from the Justices of the Peace in their Quarter Sessions assembled.

The former of these Acts, which remained in force for fifty years or thereabouts, appears to have created no difficulty such as had arisen in Virginia, where an oath of conformity was required and was, apparently, taken frequently *pro forma*, without any qualms of conscience, by all sorts and conditions of men. Offences against the provisions of the second Act, which was presently amended in favour of the Church of Scotland, appear to have been winked at by even the lieutenant-governor. On this point a very outspoken letter complaining of his dereliction of duty was addressed to the Hon. Francis Gore by the Revd. John Langhorn, of Ernesttown and Fredericksburg, on January 4th, 1811.⁹

As to the Rectories, Sir John Colborne did indeed tell the Executive Council that he was about to establish them, but he can hardly be said to have taken the Council's advice. Notwithstanding his reference to it of Dr. Stewart's letter on the support of the clergy of Upper Canada, he was not habitually given to consulting it,¹⁰ as witness, for instance, the foundation

⁹See Vol. XXIII of *Papers and Records of the Ontario Historical Society*, pp. 557-558.

¹⁰See QUEEN'S QUARTERLY for April, May, June, 1928.

of Upper Canada College without regard to the Council. Having been instructed by the Colonial Office to take action toward establishing the Rectories, he was ready to do so, Bishop Stewart being privy to the matter.

No new lands seem to have been granted in connection with the Rectories in 1836, title and lawful possession merely being given to the old allotments made in 1788 and subsequent years. Thus they came well within the limits prescribed by the Canada, or Constitutional, Act; and even the clergy sevenths appear not to have come into consideration. The fact that the patronage was vested in the governor or the lieutenant-governor for the time being was fully in consonance with the Instructions to Governors issued regularly before and after 1763, and likewise with the provisions of the Canada Act. As no municipal powers or privileges were conferred, nor any right to collect tithes, the Rectories tended in no sense to establish the Church or to infringe upon the civil or the religious privileges of other communions.

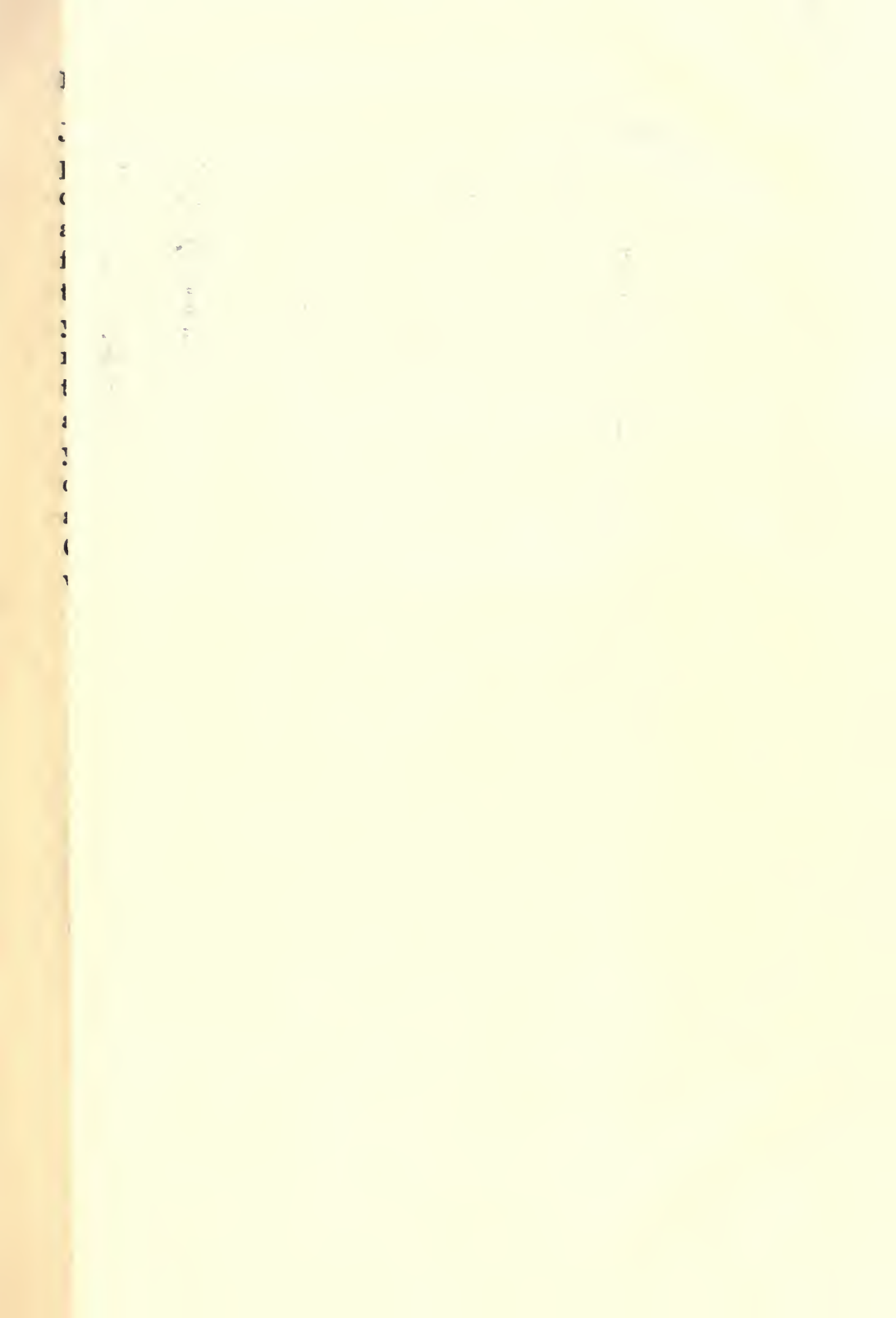
In the margin of Bishop George J. Mountain's Report on the State of the Church in the two provinces, which was prepared for Lord Durham, His Excellency's annotations in his own handwriting, which are preserved at Ottawa, demonstrate fully the fact that Lord Durham did not regard the Church as established, though the Bishop did and though other persons commonly spoke of it as such. When, therefore, the Diocese of Toronto was created as one of the results of the Durham Report, Archdeacon Strachan had to be content to accept without a government salary the Queen's appointment to be the first bishop of the See; and he had, moreover, to pay out of his own pocket the heavy fees on the patent and on the other official documents, which had, apparently, been remitted to former bishops.

Being fully aware of his legal rights, Strachan was quite justified under the Canada Act in having recourse to London

when any enactments of the Provincial Legislature touching the Church were sent home for approval. He had good reason to hope that the Act passed by the Imperial Parliament in the session of 1840-1841 would be a final settlement of the dispute over the Reserves; but, being the practical politician that he was, he foresaw clearly the mischief that could be wrought for the Church under the Act of Union of 1840. Therefore he caused his dissent to its passing to be entered on the Journals of the Legislative Council of the province, of which he had been a member for a score of years or more.

To narrate in detail the statesmanlike achievements of Strachan as first Bishop of Toronto does not fall within the dates set as the limits of this article. Yet it is permissible to remark that he saved from the wreckage of the Reserves a Commutation Fund, which still exists for the benefit of the clergy of five out of six of the dioceses into which his own has been subdivided. Of three dioceses among the six he himself procured the establishment, seeing to it that they set out upon their several careers with sufficient endowments, subscribed in large part by members of his own communion within the province itself. Almost at the same time he secured endowments and a building fund for the University of Trinity College, "the child of the Church's adversity," which, free from all political control, was to continue to work out his ideal of the combination of religious with secular learning, the realization of which had been frustrated for the moment by the legislature's Act of 1849 secularizing King's College. In 1857 he met with courage the final withdrawal of the Venerable Society's contributions toward the support of the clergy in his own diocese. In the same year he saw passed the legislation which rendered secure that democratic institution, the diocesan synod with lay as well as clerical representation of the parishes, the long fight for which he had initiated and prosecuted to a successful issue. Ten years later, in the

January next preceding his death, as presiding bishop, he took part in the consecration of the first Canadian bishop to be consecrated without the Queen's Mandamus. Thus was attained at last the completion of the separation of the Church from the State, seventy-six years after its endowment under the terms of the Canada, or Constitutional, Act and thirteen years after its partial disendowment by the legislature. A remarkable coincidence it is that the final acknowledgment of the right of the Church to govern itself without reference to any authority in London should have been made in the same year in which the confederation of the four original provinces of the Dominion was accomplished, after a period of turmoil and bitterness of feeling similar to that through which the Church had come. Thus happily for both Church and State was completed the evolution of self-government.



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THE CHURCH OF
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CANADA, 1791-1841

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